

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD

June 26-30, 2006

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
6-28	CANC (R)	92042503	Emerald Bioagriculture Corporation v. Biosafe Systems, LLC	Bucher Drost* Kuhlke	2(d)	Petition to Cancel Granted; Respondent's Request for Reconsideration Denied	"AUXIGRO" [fertilizers, namely organic acids that increase plant growth and yield for agricultural or domestic use]	"OXYGROW" [chemical compositions for treating soil to enhance growth of agricultural and horticultural products]			No
6-28	EX (R)	76554285	Advertising Marketing Services, Inc.	Grendel Rogers Drost*	Requirement to disclaim descriptive term	Refusal Affirmed; Applicant's Request to Amend to Claim Acquired Distinctiveness Denied		"THE MERCHANDISER NEWSPAPERS 'ADVERTISING NEWS CONSUMERS USE'" (in stylized form) [newspapers primarily featuring classified advertisements and news articles]		Webster	No
6-28	EX	78256650	Caribbean Ice Cream Co., Inc.	Quinn Hairston* Bucher	2(e)(1) [descriptive]	Refusal Affirmed		"TROPICAL TREETTS" [ice cream, ice cream drinks, frozen yogurt, kulfi, sorbet, Class 30; aerated fruit juices, fruit juices, fruit drinks, fruit flavored soft drinks, fruit-flavored drinks, concentrates, syrups or powders used in the preparation of soft drinks, Class 32]		Spils	No

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6-28	EX	76516814	Abercrombie & Fitch Trading Co.	Hohein* Hairston Cataldo	2(d)	Refusal Affirmed		"Design of a Seagull" [no wording] [clothing, namely, beachwear, belts, boxer shorts, jackets, jeans, knit shirts, knit tops, pants, shirts, shorts, skirts, socks, sweat shirts, sweaters, swim wear, t-shirts and tank tops, sold exclusively in Hollister Co. stores, catalogs, and online web site, Class 25; retail clothing store services, Class 35]	"SEAGULL" [men's underwear shorts, children's shorts, and gym shorts, Class 25] "SEAGULL" [various packs, bags and cases in Class 18; various clothing items in Class 25; and import-export agencies in the fields of clothing, accessories, gift items, bags and swim accessories; mail order catalog services in the field of clothing, clothing accessories, gift items, bags and swim accessories, both services in Class 35]	Gaynor	No
6-28	EX	76414674	Telescan L.L.C.	Seeherman Kuhlke* Cataldo	2(d); 2(e)(1) [descriptive]	2(e)(1) Refusal Affirmed; 2(d) Refusal Reversed		"VMAIL" [computer for a voice message system and a computer program for operating a voice messaging system for use with a computer voice messaging system]	"OPTIMAL V-MAIL" [telecommunication services, namely, providing voice mail services]	Pino	No
6-29	OPP	91159028	PEI Licensing, Inc. v. Pro Preferred	Hohein* Holtzman Drost	2(d)	Opposition Dismissed	"P" [stylized] [registered for men, women and children's shirts, jackets and fleece tops]; "P PRO PLAYER" [stylized P] [various clothing items, including shirts and jackets]	"P PRO PREFERRED" [and star design] [clothing, namely, caps, headbands, shirts, shorts, socks, sweat pants, sweatshirts, tights, T-shirts, jackets and visors]			No

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6-30	EX	78429616	Johnsonville Sausage, LLC	Seeherman* Zervas Cataldo	2(e)(1) [descriptive]	Refusal Affirmed		"SUPER-CHILLED" [sausage]		Stiglitz	No
6-30	EX	76508364	Gingamet Co., Ltd.	Hohein Hairston Bucher*	2(e)(1) [descriptive]	Refusal Affirmed		"TELEPORT" [telecommunications apparatus and electronic information transmission apparatus, namely, telephone apparatus, wire communication apparatus, carrier equipment, broadcasting apparatus, wireless communication apparatus, applied radio apparatus, telemetering and remote control apparatus, audio frequency apparatus, and component parts thereof; computer hardware for use with above; software for use in database management, remote education, linguistic education, with spreadsheets, and for word processing; blank and pre-recorded magnetic data carriers, magnetic card apparatus and magnetic cards]		Stephens	No

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6-30	EX	76514374	Vector Products, Inc.	Seeherman* Holtzman Kuhlke	2(e)(1) [descriptive]	Refusal Affirmed		"JUMP'N CHARGE" [jump starter and automotive battery chargers, sold as a unit]		Ledesma	No

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